

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	WC Docket No. 13-39
Rural Call Completion	)	

**COMMENTS OF INTELEPEER, INC.**

In response to the Notice of Proposed Rulemaking issued by the Federal Communications Commission (“Commission”), IntelPeer, Inc. (“IntelPeer”) submits its Comments on the rules proposed to improve completion of long-distance calls to rural customers.<sup>1</sup> In these Comments, IntelPeer encourages the Commission to promptly adopt its proposed rules with certain modifications suggested to facilitate the collection of information useful for revealing tangible and practical industry solutions.

**I. Introduction and Summary**

IntelPeer, Inc. is a leading provider of Internet protocol (“IP”) communications services to service providers, as well as end user business customers. IntelPeer is transforming communications by delivering multimodal offerings, including voice and video, across devices, networks and geographies. IntelPeer delivers more than 23 billion minutes annually over the sophisticated and intelligent routing software in our extensive Media Peering Grid™. Through our Media Peering Grid™, IntelPeer exchanges traffic with more than 130 other service providers, and between more than 450 million telephone numbers and end point identifying addresses in our SuperRegistry® global directory. Our solutions allow our wholesale and business

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<sup>1</sup> See *In the Matter of Rural Call Completion*, WC Docket No. 13-39, Notice of Proposed Rulemaking, FCC 13-18 (rel. Feb. 7, 2013)(“*RCC NPRM*”).

customers to transition from legacy telecommunications networks to next-generation, all IP-based communications in a rapid and cost-effective manner.

IntelPeer has been working with a number of Rural Local Exchange Carriers (“RLECs”) and other service providers to find practical, comprehensive fixes to improve the termination of calls to rural markets. Based on that experience, IntelPeer offers these Comments in order to commend the Commission for redirecting the regulatory and industry efforts to gathering helpful data regarding the known problem areas, in hopes of inspiring innovative remedies to improve call completion rates in rural America. In particular, IntelPeer suggests that the Commission adopt and maintain its reporting and retention rules, until the Commission can conclude that the resulting improvements effectively address the rural call completion issues. IntelPeer also asks the Commission to clarify and expand its proposed reporting requirements to ensure prompt implementation of the rules, while gathering sufficient data to address rural call failures comprehensively.

## **II. Sunsetting the Proposed Rules at the End of the ICC Reform Transition Could Prolong Notable Improvements in Rural Call Completion.**

The Commission seeks comment on whether rural consumers would be sufficiently protected from call completion problems, if the rules expire at the end of the Inter-Carrier Compensation (“ICC”) reform transition period or some other pre-determined period.<sup>2</sup> The adoption of such a sunset for the proposed rules presumes that the sole source for rural call completion problems is the cost of the RLECs’ terminating access charges. IntelPeer recommends that the Commission should not embrace such a presumption, but instead urges the Commission to ensure that the

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<sup>2</sup> *RCC NPRM* at ¶ 38.

appropriate requirements remain in place to promote the completion of calls until all of the reasons for incomplete calls in rural America are demonstrated to be adequately remedied.

Multiple economic and technical factors contribute to the difficulties facing the industry with completing calls to rural markets. Discontinuing the rules at the end of the ICC reform would likely encourage the industry to seek only short-term solutions, especially for the technical hurdles. With the sunset of the rules, any short-term solutions could unravel the progress made, because the factors not directly linked to the ICC reform transition could trigger a relapse in the performance by the industry in completing calls to rural customers. Instead, the industry should be focused on permanent solutions that address each of the reasons why rural calls do not complete, including long-term investment in keeping the rural networks updated to support IP voice communications. Until rural consumers experience the lasting benefits the proposed reporting and retention requirements are intended to provide, adopting a sunset of the rules at this time would be premature.

### **III. IntelPeer Encourages the Commission to Proceed with Proposed Rules, with Clarification, to Promote Realization of its Goals in Adopting the Rules.**

Adopting reporting requirements will allow the industry and commissions to focus efforts in a more productive manner on finding legitimate resolutions of the economic and technical impediments to improving rural call completion. Recently heightened regulatory activity at the state and federal level have consumed commission and industry resources without marked, widespread solutions to the issues impairing rural call completion. Litigating formal regulatory matters for individual call failures across the country, not to mention fostering conflicting regulatory requirements from multiple

venues, will serve only to consume additional resources. The sooner the Commission acts to adopt its proposed rules, the more the industry and commissions will be able to concentrate on driving towards comprehensive solutions to these industry issues.

Therefore, IntelPeer recommends the Commission adopt its proposed rules with some clarifications and additions. The clarifications proposed below will ensure that the industry is able to implement the requirements in the rules without delay. Furthermore, IntelPeer suggests some additional reporting requirements that will allow the Commission and the industry to better assess additional solutions to improve call completion in rural markets.

**A. Refining the Meaning of “Rural OCN” in the Exception to the Reporting Rule Will Accelerate Industry Implementation.**

The Commission proposed that originating long-distance providers report on the call answer rate for each rural operating company number (“OCN”).<sup>3</sup> However, reporting for each rural OCN will be difficult without one clear source or list stating which OCNs are rural or non-rural. Using different sources or criteria for determining which are “rural OCNs” could cause confusion by the commissions and industry in their interpretation of the data, as well as possibly produce divergent or conflicting results being reported by different originating providers.

For this reason, IntelPeer recommends that the Commission further defines what exactly originating providers must report on a monthly basis. For example, the Commission could either provide an official list of rural OCNs for use by reporting providers, or choose a more apparent means for identifying a rural carrier other than at the OCN level. Specifying the basis upon which the originating providers will report call

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<sup>3</sup> *RCC NPRM* at ¶ 20.

attempt and completion information could improve the integrity of the data produced in compliance with the Commission's rules.

**B. Clarifying “One Additional Intermediate Provider in the Call Path” Includes Affiliates Will Improve Routing of Rural Calls.**

IntelPeer applauds the Commission's proposed rule in § 64.2107(b)(1) providing an exception to its reporting and retention requirement for any originating providers, who annually certify that, among other things, any intermediary provider used for rural markets is restricted by contract “from permitting more than one additional intermediate provider in the call path before the call reaches the terminating provider.” Nonetheless, many commercial agreements between service providers allow for the providers to hand traffic to their affiliates. Allowing an intermediary provider to hand off calls to an affiliate encourages efficient network routing, without impacting the success of calls to rural America.

Service providers could have numerous affiliates across the country, with which they exchange traffic in order to terminate a call in the most efficient and inexpensive manner. For example, Verizon has over 200 affiliates registered as Form 499A Filers on the Commission's website.<sup>4</sup> If an intermediary provider hands a call to a Verizon carrier entity, the call should not be limited to the network allocated to only that one entity, particularly when traversing additional affiliates' networks could be the fastest and least costly route. Discouraging efficient routing of calls through the comprehensive network of an intermediary provider and its affiliates as “one additional intermediate provider in the call path” would likely only create additional problems with completing calls to rural markets. Therefore, the Commission should clarify that “one additional

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<sup>4</sup>

See FCC Form 499 Filer Database, <http://apps.fcc.gov/cgb/form499/499a.cfm>.

intermediate provider in the call path” includes all of the affiliates of the intermediate providers to ensure efficient routing of the call.

**C. RLEC Reporting Would Encourage Best Efforts Across the Industry.**

The Commission notes the importance of monthly reporting from originating providers, but falls short of imposing similar reporting requirements on the terminating providers, which could highlight, and allow the industry to address, all of the remaining problems causing rural calls to not complete. The bulk of complaints about rural call completion seemingly coming from RLEC subscribers, as opposed to rural CLEC or VoIP provider subscribers, evidences the need for the Commission to also focus on the RLEC end of the call.<sup>5</sup> For this reason, IntelPeer suggests a few monthly reporting requirements for the RLECs, which may demonstrate other potential pain points impacting rural call completion.

First, IntelPeer would suggest that, similar to the originating provider reporting, the reporting requirements apply only to those terminating RLECs with more than 10,000 retail local subscribers (business or residential). This limitation will allow the Commission and industry to collect some information about the terminating end of the call without imposing additional administrative burdens on small terminating RLECs.

Next, IntelPeer suggests that the Commission adopt a rule requiring any terminating RLECs, subject to the reporting requirements, to submit in electronic form a monthly report to the Commission once per calendar quarter. The report should include the following data points:

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<sup>5</sup> Ex Parte Letter from Jill Canfield, Director, Legal & Industry and Assistance General Counsel, NTCA, to Marlene H. Dortch, Secretary, FCC, *In the Matter of Rural Call Completion*, WC Docket No. 13-39, at 1 (April 12, 2013) (*NTCA Ex Parte*) (RLECs commenting on their business subscribers changing service providers in order to continue operations).

- a) Percentage of total calls per wire center blocked by the RLEC for outages, tandem blocking, capacity limits and other causes;
- b) Percentage of total calls per wire center which did not complete in wire centers restricted to only TDM connections and wire centers which support an option to connect via IP;
- c) Percentage of total calls per wire center which did not complete in wire centers restricted to only connections through a particular tandem provider and wire centers which support an option to connect directly to the RLEC.

RLEC Wire Center	Month 1								
	Calls Answered	Outage	Tandem Block	Capacity Limits	Other	TDM Only	IP Capable	Tandem Only	Direct Capable
AA	%	%	%	%	%	%	%	%	%
BB	%	%	%	%	%	%	%	%	%
CC	%	%	%	%	%	%	%	%	%
	Month 2								
	Calls Answered	Outage	Tandem Block	Capacity Limits	Other	TDM Only	IP Capable	Tandem Only	Direct Capable
AA	%	%	%	%	%	%	%	%	%
BB	%	%	%	%	%	%	%	%	%
CC	%	%	%	%	%	%	%	%	%
	Month 3								
	Calls Answered	Outage	Tandem Block	Capacity Limits	Other	TDM Only	IP Capable	Tandem Only	Direct Capable
AA	%	%	%	%	%	%	%	%	%
BB	%	%	%	%	%	%	%	%	%
CC	%	%	%	%	%	%	%	%	%

Finally, IntelPeer recommends providing an exception from the reporting requirements to minimize the burden of compliance on the RLECs, who submit an annual certification. Each year, the terminating RLECs would demonstrate, through the certification, their shared commitment in improving call completion to rural markets. As a baseline, RLEC must inform originating and intermediary providers of known problems reported to the RLECs by subscribers, while offering originating *and* intermediary providers the opportunity to identify the root cause of the call completion problems. Today, RLECs might not pass through all trouble tickets related to a particular originating or intermediary provider. In addition, RLECs might not provide test lines on their networks, like most non-rural LECs, for the originating or intermediary providers to identify and fix potential issues related to the completion or quality of a call when a trouble ticket is received.

Over the course of the past eighteen months, IntelPeer has also struggled to find many RLECs capable or willing to connect via IP. IntelPeer connects with a large majority of its wholesale customers and commercial vendors in non-rural markets via IP today, because doing so supports higher quality performance in exchanging the call traffic, and allows connections in one physical location to serve geographical areas well beyond LATA boundaries. However, options to connect directly with RLECs via IP appear to not be readily available.

Many RLECs seem reluctant to discard business practices permitting only connections in TDM in every wire center throughout their rural market, and to forego the revenues from tariffed components, such as Tandem Switched Transport, Direct Trunk Transport, Entrance Facility and Carrier Common Line charges.<sup>6</sup> Consequently, forcing local interconnections in each LATA via IP appears to have the sole purpose of making termination via IP as costly as the traditional TDM network. Of those RLECs willing to connect using the latest IP technologies, IntelPeer found that some of the RLEC networks lacked the technological upgrades necessary to support the IP connections required for efficient call termination. The implications of these outdated networks are evidenced each time a call failed to a business subscriber of an RLEC, but can traverse the same set of intermediary providers to complete successfully to the same business subscriber who switched to a CLEC, cable or VoIP provider.<sup>7</sup> Until subscribers in each RLEC market enjoy the benefits of the latest technological advances, originating and intermediary providers will not be able to complete rural calls in a consistently prompt,

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<sup>6</sup> One example of antiquated business practices include the inability of an RLEC to process a request for direct IP connections, because the traditional access service request form (or ASR form) currently does not include a check box for anything other than TDM connections.

<sup>7</sup> *NTCA Ex Parte* at 1.



cost-effective and quality manner.

Accordingly, the Commission should adopt a safe harbor that relieves RLECs from these reporting requirements if the RLEC certifies on an annual basis that it:

- (i) provides test lines in all of its wire centers so that originating and intermediary providers can verify potential issues and fix any problems related to completion or the quality of a call, upon receipt of a trouble ticket;
- (ii) passes through one hundred percent (100%) of all trouble tickets received from subscribers to the originating or intermediary provider related to any problems that might originate on the network of the originating or intermediary provider in order to allow for resolution to avoid future problems; and
- (iii) offers any originating or intermediary provider the opportunity to establish one connection directly to the RLEC via IP to hand off long distance calls to rural subscribers.

With these mechanisms (and exceptions) in place, the Commission can better ensure that not only the originating end, but also the terminating end of rural calls allows successful and timely completion.

#### IV. CONCLUSION

In conclusion, IntelPeer reiterates the importance of the Commission and the industry switching focus to the collection of information from the industry on the root causes of rural call completion issues, to identify possible areas for improvement and track resulting changes to performance. To achieve this goal, it is premature for the Commission to adopt a pre-determined sunset of the rules. The time has come for the Commission to adopt the proposed rules, with the modifications outlined herein, to ensure that rural America experiences improvements in its ability to receive calls.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kristin L. Manwarren". The signature is fluid and cursive, with the first name "Kristin" and last name "Manwarren" clearly distinguishable.

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